



Chartered 1708

City of Annapolis

DEPARTMENT OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS

145 GORMAN STREET, THIRD FLOOR, ANNAPOLIS, MARYLAND 21401

ANNAPOLIS (410) 260-2200 • FAX (410) 263-9158 • TDD - Use MD relay or 711 • www.annapolis.gov

June 7, 2016

Jack Dawson

Sigma/Charles P. Johnson & Associates

45 Old Solomons Island Road, Suite 204

Annapolis, MD 21401

RE: Thomas Woods Amended Variance Request received May 13, 2016

Mr. Dawson,

Following are DNEP comments regarding your request to amend the FCA variance for Thomas Woods, originally approved 12/29/2015:

1. The Department of Public Works will not allow directional drilling for utility access because trees allowed to remain in the easement will impede maintenance. In addition, because sewage lines require gravity flow, a directionally drilled line will not guarantee the correct pitch. Your request to remove tree B-10 within the utility easement on the Thomas Woods property is approved with the stipulation that the worksheet correctly reflect the reduction in the canopy area for B-10 and all other trees removed within the utility easement. Please confirm that the worksheet included on the amended variance request (sheet 4 of 14) is correct. A revised landscape plan must include the required mitigation;
2. Trees outside of the Thomas Woods boundaries are not subject to the Forest Conservation Plan for this project, therefore your request for a FCA Variance for the removal of tree # 27 is not required. Tree removal not subject to the FCA must meet the mitigation requirements of City Code 17.09.070, with an exception for trees removed for the installation of public utilities (17.09.070D). Please provide documentation if these utilities will be publicly owned and therefore exempt from tree mitigation requirements. If the utilities are to be privately owned and maintained, please provide a landscape plan with tree mitigation requirements;
3. Trees proposed for removal within City utility easements but outside the Thomas Woods boundaries are on private property. Please provide documentation that the private property owner(s) have been notified.

If you have any questions, please contact me.

Sincerely,

Frank Biba, AICP, LEED AP

Chief, Environmental Programs

Dept. of Neighborhood and Environmental Programs

410 263-7946

fjb@annapolis.gov

cc: Maria Broadbent, Director DNEP
Pete Gutwald, Director P&Z



S I G M A E N G I N E E R I N G , I N C .
A DIVISION OF CHARLES P. JOHNSON & ASSOCIATES, INC.

May 11, 2016

Mr. Frank Biba
City of Annapolis
Dept. of Neighborhood & Environmental Programs
145 Gorman Street
Annapolis, MD 21401

RE: Thomas Woods
 Variance to State Forest Conservation Act
 Sigma Job # 11-18

ATT: Forest Conservation Plan Sheets 3 & 4 (Existing Conditions Plan and Tree Preservation Plan from Grading Set (pending resubmittal))

Dear Frank,

We are requesting a variance to the Maryland Forest Conservation Act requirements regarding removal of specimen trees. The project proposes construction of 10 townhouse units on a site of consisting of 1.44 acres almost entirely forested. A previous variance was granted for the removal of 6 trees greater than 30" in diameter measured at 4.5' above the ground: 44" Chestnut Oak (A7), 37" White Oak (A10), 37" N Red Oak (A12), 39" N Red Oak (A13), 38" N. Red Oak (B24), and 35" N. Red Oak (B27). These trees were proposed to have adequate mitigation with the plan approved by the planning commission. That plan assumed directional drilling of utilities through a forested area. While not protected under a forest conservation easement (due to being a public utility easement) that area was tabulated as not being cleared under the forest conservation worksheet and the trees there were to be protected and were to remain. During the grading plan review Public Works staff informed the consultant that directional drilling would not be allowed. Part of their justification was that they cannot allow trees in their public utility easements. To that end, the utilities will now be constructed via open cut resulting in the requirement to remove more vegetation : three trees of a DBH of 12-24" and one tree, of DBH=30", identified as B10, a Chestnut Oak in good condition. Additionally, there will be a tree that needs to be removed offsite, within a public utility easement that will be impacted by water line construction. That tree is a 31.5" Northern Red Oak in good condition identified on the plans as #27. This tree was shown as to be removed, and accordingly mitigated for, in the grading plan submittal but a variance was not sought.

Please see the accompanying plans for the layout of existing environmental resources and those trees proposed to be removed.

State Forest Conservation Technical Manual 3-6 #4

Being a rectangular shaped site with a uniform distribution of trees throughout the property, some trees were bound to be impacted by development requirements. After establishing priority save areas during the Forest Stand Delineation process the development was concentrated or clustered within the center of the site to avoid the priority save areas along the frontage and western boundary as well as the north

east corner. This does require impacting some of the specimen trees located within the development envelope. Impacts were attempted to be further reduced by laying out utility (water and sewer) service in such a way that it can be directionally drilled through priority save area along the western property line without damaging those trees. Unfortunately City of Annapolis DPW was not amicable to this method of utility installation and they will now be installed via open cut trench.

Utilizing these techniques, the site still meets and exceeds forest retention above the breakeven point. Further measures for preserving trees near the limits of disturbance include:

- Root pruning and fertilization 4-6 months prior to beginning construction around the entire limits of disturbance
- Installation of tree protection fencing and protective signage (signage to be permanent) as well chip application around perimeter sediment controls to preserve forest edge integrity
- Keeping machinery and staging/storage areas away of drip line of trees to be retained
- Weekly monitoring of trees as well as watering when required
- Perform preconstruction meeting and post construction/forest evaluation with City forester to review/evaluate retention techniques

After exhausting these techniques for preservation, some trees will still be impacted due to displacement by development structures, impervious surfaces, and associated grading requirements. Site layout of buildings and roadway/sidewalks, conveyances to SWM facilities, location of SWM facilities, and associated grading were all meticulously placed to minimize disturbance to both specimen trees and priority save areas.

Trees Previously approved for Removal:

The City has already granted a Variance on December 29, 2014 to remove 6 specimen trees. Those trees are described on the Variance Letter included with this variance request. Prior to the necessity of the utility revision there was approval to remove a total of 13 trees requiring a total mitigation requirement of 34 trees of minimum 2" caliper. With the grading submittal the developer proposed mitigation of 36.

Tree Condition and Mitigation; SFCTM 3-6 #4 (c)

Both trees we are seeking variances to remove are in good condition. Tree B10, 30" Chestnut Oak, is in good condition and requires removal due to the proposed utility line. Tree 27, 31.5" Northern Red Oak, is also in good condition. Tree 27 is within an existing public utility easement and based on previously referenced City DPW should not be present in their easement. Each tree will be mitigated with 3 trees of 2" caliper.

Mitigation Summary

With approval of this Variance there would be 24 trees of 2"+ caliber required for mitigation of specimen trees (although one is dead and therefore doesn't require mitigation). Mitigation requirements from City regulations regarding trees >24" will be added to the total required after initial plan review to increase the number of mitigation trees to a total of 43 trees (2"+ caliber). It is the developers intent to provide all trees necessary for mitigation as deemed necessary by the City, as well as coordinate ideal areas for reforestation with City review authorities. Mitigation will be coordinated in both species and location with City Forester. They will be placed throughout the site but will also be clustered along the frontage to maintain a forested buffer within the priority forest area affected by disturbance for the site entrance. The 'breakeven point' of the forest conservation worksheet was met,

yielding no additional reforestation requirements beyond specific tree removal mitigation noted above. Species will be selected to mimic existing forest conditions, including various types of oaks throughout and beech trees along the frontage where drainage swales have resulted in increased soil moisture content.

Should you have any questions, please don't hesitate to contact me.

Sincerely,

Jack Dawson, PE
Sigma/Charles P. Johnson & Associates



City of Annapolis

DEPARTMENT OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS

160 Duke of Gloucester Street, Room 202, Annapolis, Maryland 21401

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Maria Broadbent
DIRECTOR

December 29, 2014

Mr. Jack Dawson
Sigma/Charles P. Johnson & Associates
45 Old Solomons Island Road, Suite 204
Annapolis, MD 21401

RE: Review of the December 18, 2014 Forest Conservation Act Variance Request, Thomas Woods Property

Dear Mr. Dawson,

The Forest Conservation Plan for Thomas Woods is considered to be complete and correct. The City of Annapolis has received your request for a variance for the removal of specimen trees A1, A7, A10, A12, A13, B24, and B27.

A site inspection showed that trees A12 and B24 are in poor condition, and tree B27 is dead. Therefore, these trees are not a priority for preservation.

Tree A1 is in good condition and trees A7 (fair/good), A10 (fair/poor), and A13 (fair/good) are in fair condition. After review of the Forest Stand Delineation, the Forest Conservation Plan, and the development plans it has become evident to the City of Annapolis that preservation of trees A7, A10, and A13 would cause an unwarranted hardship to the applicant.

The City of Annapolis will grant the applicant a variance to remove the specimen trees A7, A10, A12, A13, B24, and B27. Tree A1 will need to be preserved. Please change the submitted development plans accordingly.

Trees that will be removed under the variance, except for the dead tree, will need to be mitigated according to City code section 17.09.070. Therefore, 15 trees will need to be replanted (native, 2" diameter minimum). A large canopy tree will need to be mitigated with at least one large canopy tree. This requirement will be in addition to any other tree planting requirements.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank Biba".

Frank Biba, Chief, Environmental Programs

cc: Maria Broadbent, Director, Department of Neighborhood and Environmental Programs
Marian Honeczy, Supervisor, Urban and Community Forestry, MD Forest Service
Sally Nash, Acting Director, Department of Planning and Zoning
Tom Smith, Chief, Current Planning, Department of Planning and Zoning